

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

ORDER ACCEPTING
GUILTY PLEA

- against -

11-cr-31 (KAM)(RER)

NEIL MESSINA,

Defendant.

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MATSUMOTO, United States District Judge:

The undersigned, having reviewed the transcript of the proceedings herein before the Honorable Magistrate Judge Ramon Reyes, Jr. on February 14, 2013, (see ECF No. 218, Plea Tr.), at which the defendant Neil Messina ("defendant") pleaded guilty pursuant to an agreement, and having found that the defendant, after having been placed under oath, was personally addressed by Judge Reyes and informed: (1) of his right to have his plea heard before a District Judge; (2) of his right to plead not guilty; (3) of his right to trial by jury; (4) of his right to represented by counsel, appointed by the court, if necessary, at the trial and at every other stage of the proceeding; (5) of his right at trial to confront and cross-examine the witnesses against him, to testify and present evidence, to compel the attendance of witnesses, and of his privilege against self-incrimination; (6) of the fact that by pleading guilty he was waiving and giving up these trial rights; (7) of the nature of

the count and underlying racketeering acts to which he was pleading; (8) of the minimum and maximum possible penalty, including imprisonment, fine, term of supervised release and mandatory special assessment, pursuant to statute and the United States Sentencing Commission Guidelines ("sentencing guidelines"); (9) of the court's consideration of the advisory nature of the sentencing guidelines and the court's authority to depart therefrom; and having found that the defendant understood Judge Reyes's advice and that he pleaded guilty voluntarily and not as a result of any force, threat, or promises; and having found, based on the defendant's responses to questioning, that there was a factual basis for the plea, the undersigned hereby, upon the recommendation of Judge Reyes, accepts the defendant's plea of guilty to Count One of the Superseding Indictment, including Racketeering Acts 2A, 3, and 5.

SO ORDERED.

Dated: February 19, 2013
Brooklyn, New York

 /s/
KIYO A. MATSUMOTO
United States District Judge
Eastern District of New York